

Clean Water and Natural Lands Advisory Commission

CITY AND COUNTY OF HONOLULU

530 South King Street, Room 208 • Honolulu, Hawaii 96813

COMMISSIONERS

Sherry P. Broder - Chairperson

Giorgio F. Caldarone – Vice Chairperson

Kim Falinski

William Reese Liggett

Elliott “Kai” Raymond Markell

William Kamana’olana Mills

Jason Kekahi “Kahi” Pacarro

MEETING NOTICE

Friday, February 16, 2018

11:00 a.m.

City Council Committee Meeting Room

530 South King Street, Second Floor

Honolulu, Hawaii, 96813

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. FOR APPROVAL

- Minutes of the December 15, 2017 Meeting

IV. PRESENTATION AND/OR ACTION

Update by the Department of Budget and Fiscal Services, City and County of Honolulu, on submissions by the applicants for the funding from the Clean Water and Natural Lands Fund.

V. FOR DISCUSSION AND/OR ACTION

Discussion and/or action on the criteria and ranking to be used when recommending qualified proposals to the City Council for funding by the Clean Water and Natural Lands Fund.

VI. FOR DISCUSSION AND/OR ACTION

Discussion and/or action on Bill 84 (2017) relating to the Clean Water and Natural Lands Funds, including the submission of testimony and appearance before the City Council.

18 FEB 9 AM 8:35 CITY CLERK

VII. DISCUSSION

- Meeting date and location for March 16, 2018 meeting.

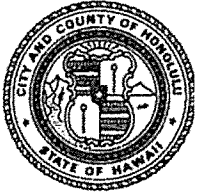
VIII. ADJOURNMENT

The Clean Water and Natural Lands Advisory Commission is committed to allowing public testimony at open meetings of the Commission.

Persons wishing to present oral testimony on the items listed in the agenda, please register by completing the speaker registration form on-site on the day of the meeting. Persons not registered to speak on an agenda item should raise their hands at the time public testimony is invited or at the time a particular agenda item is announced. They will be given an opportunity to speak following oral testimony by any registered speakers. Each speaker will be limited to two minutes.

Written testimony may be emailed to the Department of Budget and Fiscal Services at BFS.CWNL@honolulu.gov prior to the day of the meeting, for distribution at the meeting. Ten (10) copies are requested if written testimony is submitted on-site on the day of the meeting. If submitted, written testimonies, including the testifier's address, email address, and phone number, may be posted on the Commission's webpage.

NOTE: Accommodations are available upon request to persons with disabilities, please contact the Clean Water and Natural Land Advisory Commission c/o the Department of Budget and Fiscal Services at 768-5535 or by email to BFS.CWNL@honolulu.gov at least three business days prior to the scheduled meeting/hearing.



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Meeting Minutes

Friday, December 15, 2017

9:00 a.m.

Mission Memorial Building Hearings Room

CALL TO ORDER – Chairperson Sherry P. Broder called the meeting to order at 9:02 a.m.

Commissioners Present – Giorgio F. Caldarone, Kim Falinski, William Kamana’olana Mills, William Reese Liggett, Elliot “Kai” Raymond Markell and Jason Kekahi “Kahi” Pacarro.

Commissioners Absent – None

Staff Resources Personnel Present

Michael Hui, Assistant Purchasing Administrator, Budget and Fiscal Services (BFS)
Dawn Spurlin, Deputy Corporation Counsel, Assigned to the Commission
Tammy Namihira, BFS
Aaron Honda, BFS

APPROVAL OF THE NOVEMBER 6, 2017 SPECIAL MEETING MINUTES

Without any objections, the November 6, 2017 special meeting minutes were approved, 7-0 (AYE: Broder, Caldarone, Falinski, Liggett, Markell, Mills and Pacarro; NAY: None; Abstain: None)

APPROVAL OF THE NOVEMBER 17, 2017 MEETING MINUTES

Without any objections, the November 17, 2017 meeting minutes were approved, 6-0-1 (AYE: Caldarone, Falinski, Liggett, Markell, Mills and Pacarro; NAY: None; Abstain: Broder)

PRESENTATION BY THE OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

– Josh Stanbro, Executive Director and Chief Resilience Officer of the Office of Climate Change, Sustainability and Resiliency (OCSR) stated that the OCSR is tasked with ensuring that City plans and policies will promote resilient communities as mandated by Oahu voters. Stanbro explained that the OCSR will strive to tackle issues from the Paris Agreement, which will include gathering information on what Hawaii’s greenhouse emissions are, setting a goal and to create a climate and resilience strategy to reduce greenhouse emissions in Hawaii. Stanbro informed the Commission that the Rockefeller Foundation formed a partnership and selected the city of Honolulu as one of 100 resilient cities from around the world to assist with integrating Honolulu’s urban resiliency strategy plan. OCSR’s resilience strategy process is to first engage the community to gather people’s perception to determine what the community wants the office to focus on and then eventually move towards creating a city resilience strategy by end of 2018. Stanbro addressed the affects greenhouse emission has had on Hawaii weather in

2015-2016. Stanbro presented a power point display of hurricanes that occurred around the State of Hawaii in 2015 (the image can be retrieved from the National Oceanic and Atmospheric Administration website). OCSR is striving to build Honolulu's resilience to be able to survive, adapt and grow, no matter what kind of stresses and shock the city may experience in the future. Stanbro conducted a live shock and stress survey with the commission and attendees using www.menti.com. Stanbro commented that when the The Rockefeller Foundation came out in June and conducted a workshop with about 150 leaders within the community, what impressed the foundation was that the focus group could agree on the problems Honolulu was facing, the diversity and the ability to cross-communicate between different groups. Stanbro suggested that staff member Matt Gonser, Coastal and Water Program Manager will attend future Clean Water and Natural Lands Advisory Commission (CWNL) meetings since some of the issues may relate to what OCSR are tackling.

PRESENTATION BY THE DEPARTMENT OF BUDGET AND FISCAL SERVICES – Michael Hui, Assistant Purchasing Administrator for BFS stated that BFS has received no applications. Chairperson Broder asked what day BFS posted the first announcement. Hui responded that the press release was published on November 14, 2017 and that it was posted online on the same day. Border asked if there's a list of people BFS notifies. Hui responded that BFS is maintaining an email list.

DISCUSSION AND/OR ACTION ON THE PROPOSED CRITERIA AND RANKING WHEN RECOMMENDING QUALIFIED PROPOSALS TO THE CITY COUNCIL FOR FUNDING – Broder asked the commissioners if there were any changes or comments to the materials that were submitted?

Mills commented that in the last meeting he reviewed different evaluation criteria and grants from OHA and other agencies to create a mock scoresheet. After discussions from that meeting, establishing a methodology is pending. Mills asked whether the commission wants to create a scoresheet or does the commission want to have a discussion as a group. Mills referenced Markell's suggestion that when applicants come in we do individual scoresheets mechanisms, then come to the table for a discussion later. Mills added if the commission's due diligence is questioned by the City Council or Mayor's Office, the commission has something backing up its decisions. Mills thanked Tammy Namihiro, staff member from BFS on providing the commission with past City Council submittals. Mills added another discussion brought up in the previous meeting was to have a representative from the CWNL be in attendance during the City Council meeting when the CWNL is submitting its recommendations for funding. In regards to the mock scoresheet, Mills commented that the required documents section was removed because BFS will be tasked with that process. The scoring was also changed by removing the numerical value for each item so that it could be left open for discussion. Mills presented the question if the commission even needs scoresheets.

Chair Broder suggested that the commission wait to adopt and keep this item in reserve until applications are submitted because without really knowing what the commission will be presented with, it'll be difficult to decide on a ranking method that will work best for the commission.

Liggett suggested that on page one of the mock scoresheet, the sentence, "BFS will check to ensure are documents submitted" be changed to "BFS will check to ensure all documents submitted".

Chair Broder suggested that the word "will" in the sentence under the scoring section on the first page be changed to "may".

Falinski commented that she likes the balance of having a discussion and the use of a scoresheet to select the best applicant. Falinski also agreed with Broder's suggestion of waiting to adopt a method of scoring until the commission is presented with applications. Falinski commented that she and the individual commissioners can use the scoring sheet as a guide to rank each proposal so that when the commission meets, each commissioner can present their top applicant or applicants.

Caldarone commented that there has been different versions of a scoresheet that was either normal, mathematical or qualitative in nature. The commissioners also wanted to carry over some additional screening from the original criteria and ranking matrix to address some issues. Maybe the commissioners can agree on one scoresheet to be used at the end and have a discussion. The purpose of the discussion would be to normalize people's scaling differences.

Chair Broder asked the deputy corporation counsel whether the commission has to set its procedures in advance. In other words, do we need to adopt a scoring system before or does it fall under our internal decision process that can be changed as we go along.

Deputy Corporation Counsel Spurlin responded that the goal of application was to correspond with the criteria the commission are evaluating and that it doesn't have to be set in stone yet, but at some point, some standard or criteria needs to be adopted by the commission. Spurlin added that the commission is only making a recommendation to the Council.

Mills commented that the purpose of the scoresheet, should we decide to adopt it, is to provide a level of transparency. If we made a decision without any criteria or scoring mechanism and an applicant challenges that decision, we have evidence that will show the work we have done. It will also give the City Council assurance that the recommendation that the commission is presenting has been vetted properly.

Chair Broder commented that for the procedures, she wants to make sure the process is fair and transparent. Transparent in a way that applicants are clear on what we plan to do. And fair, ensuring that the same scoring system is applied to each applicant. Chair Broder questioned if the commission should go ahead and adopt a scoring method. Chair Broder also expressed concern and suggested that the commission may prefer to hear from each other first. So, the process would be discussion first, then ranking, then more discussion.

Markell commented that with multiple detailed applications with many different variables, it is difficult to mentally keep track of each applicant. A scoresheet is great because it allows for a distinct separation, mentally and visually, between each applicant. Markell stated that he envisioned that the commissioners discuss the applicants based on each commissioner's scoring and then a robust discussion occurs between the commissioners about why an applicant is chosen over another.

Chair Broder asked the commissioners if this item should be adopted or discussed further.

Mills agreed that the commission should discuss it for another month. Mills commented that the scoring for the priority projects, has no assigned scores. Mills asked whether the commission even wanted to assign scores to the scoresheet or lean towards a qualitative method.

Deputy Spurlin commented that the scoresheet can serve as guidance because when it goes to the council it's a recommendation and a recommendation will have to set forth why a particular applicant has been recommended. So, you can use the scoresheet as a base to explain the commission's decision.

Chair Broder commented that the commission will further discuss this item during the next meeting. Additional input can be forwarded to Deputy Spurlin.

DISCUSSION AND/OR ACTION ON THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, LEGACY LAND CONSERVATION PROGRAM RECORD REQUEST FOR A COPY OF LEGAL OPINION CONCERNING SEVENTH BOARD MEMBER NOMINEE OR THE CITATIONS TO THE APPLICABLE LEGAL AUTHORITIES – Chair Broder asked if there were any testimony for this agenda item and there were none.

Caldarone moved and Pacarro seconded to enter into an Executive Session.

The CWNL Commissioner entered into executive session at 9:54 a.m.

The CWNL Advisory Commission Meeting reconvened at 10:02 a.m.

DISCUSSION AND/OR ACTION ON BILL 84 – RELATING TO THE CLEAN WATER AND NATURAL LANDS FUND, INCLUDING THE SUBMISSION OF TESTIMONY AND APPEARANCE BEFORE THE CITY COUNCIL

Chair Broder inquired about the status of this agenda item.

Deputy Spurlin responded that this item is still with the Budget Committee and it is unknown when it will go before City Council. She commented that until we know when it goes on the agenda, there can be no action. In addition, the Council calendar has not been adopted yet.

DISCUSSION OF FUTURE MEETING DATES

Chair Broder informed the Commission that she will be teaching International Ocean Law for the Spring semester during January, February, March and April on Fridays and that the class time will conflict with the current CWNL meeting times. Chair Broder requested that the meetings be rescheduled for the next four months to accommodate her teaching schedule.

The Commission agreed to set the next meeting dates for January, February, March and April on Friday at 11 a.m. to 1 p.m. The location will be determined at a later time.

ADJOURNMENT – The meeting was adjourned at 10:09 a.m.

Respectfully Submitted,

Aaron Honda

APPROVED:

Chair Sherry P. Broder

Date

The minutes of the Commission Meeting on December 15, 2017 were approved at the January 19, 2018 Commission Meeting.

	<u>Aye</u>	<u>No</u>	<u>Comment</u>
Sherry P. Broder	<input type="checkbox"/>	<input type="checkbox"/>	
Giorgio F. Caldarone	<input type="checkbox"/>	<input type="checkbox"/>	
Kim Falinski	<input type="checkbox"/>	<input type="checkbox"/>	
William Reese Liggett	<input type="checkbox"/>	<input type="checkbox"/>	
Elliot "Kai" Raymond Markell	<input type="checkbox"/>	<input type="checkbox"/>	
William Kamana'olana Mills	<input type="checkbox"/>	<input type="checkbox"/>	
Jason Kekahi "Kahi" Pacarro	<input type="checkbox"/>	<input type="checkbox"/>	



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 84 (2017)

A BILL FOR AN ORDINANCE

RELATING TO THE CLEAN WATER AND NATURAL LANDS FUND.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Council Findings and Purpose. The purpose of this ordinance is to amend the ordinances pertaining to the Clean Water and Natural Lands Fund.

SECTION 2. Section 6-62.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 6-62.5 Additional requirements.

- (a) All expenditures from this fund shall be made consistent with the priorities ~~[established by a commission created by council resolution or, in the absence of a commission, with the priorities]~~ established by the council by resolution.
- (b) Monies in this fund may be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to ~~[enactment of this ordinance and]~~ June 20, 2007 pursuant to Sections 3-116 or 3-117 of the city charter, in whole or in part, for the purposes enumerated above and for the payment of costs associated with the purchase, redemption or refunding of such bonds~~[-and]~~.
- (c) At any given time, no more than five percent of the monies in this fund shall be used for administrative expenses.
- (d) Any balance remaining in this fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The monies in this fund shall not be used for any purposes except those listed in this article.
- (e) The department of budget and fiscal services shall receive proposals for the use of funds in the clean water and natural lands fund and shall submit qualified proposals to the clean water and natural lands advisory commission, which shall make recommendations to the council for approval. All proposals for uses of the clean water and natural lands fund shall be processed consistent with this procedure. The council may approve any proposal processed pursuant to this section even if such proposal has not been recommended by the commission.
- (f) There is hereby established a clean water and natural lands advisory commission to consider proposals submitted to it by the department of budget



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 84 (2017)

A BILL FOR AN ORDINANCE

and fiscal services and to submit recommendations to the council for approval of expenditures under this section. The commission shall consist of seven members, with three appointed by the mayor, three appointed by the council, and one appointed by a majority vote of the six appointed members. The terms of the initial and subsequent members shall be as provided in the revised charter.

(g) The council shall approve expenditures from this fund through appropriations in the operating and capital budget ordinances.

[(e)] (h) The appropriations to this fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this article."

SECTION 3. Chapter 6, Article 62, Revised Ordinances of Honolulu 1990 ("Clean Water and Natural Lands Fund"), is amended by adding a new Section 6-62.6 to read as follows:

"Sec. 6-62.6 Expenditures.

All expenditures from this fund shall be for purposes authorized in this article, based on appropriations in the operating budget and capital budget ordinances."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 84 (2017)

A BILL FOR AN ORDINANCE

SECTION 4. Section 6-62.6, Revised Ordinances of Honolulu 1990, is renumbered and amended to read as follows:

"Sec. ~~[6-62.6]~~ 6-62.7 Administration.

The director of budget and fiscal services shall administer the fund.
Expenditures from this fund shall be in accordance with prescribed laws and procedures applicable to expenditures of city revenues."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 84 (2017)

A BILL FOR AN ORDINANCE

SECTION 6. This ordinance takes effect upon approval and applies to appropriations made in budget ordinances for fiscal years beginning July 1, 2018 and thereafter.

INTRODUCED BY

DATE OF INTRODUCTION:

OCT 04 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu